

## **REMARKS**

### **Amendments to the claims**

Claims 1-12 are pending in the application. Claim 9 has been canceled without prejudice and incorporated into claim 1. Claims 1-8 and 10-12 have been amended for clarity reasons only, to cancel reference numerals and to replace the wording "characterized in that" with "wherein." Further, claims 10 and 11 have been made dependent on claim 1. No new matter has been added.

### **Claim objections**

In the Action, the Examiner objects to claims 4-12 under 37 CFR 1.75(c) as being improper multiple dependent claims, and requires correction. Apparently, the Examiner has not noticed the Preliminary Amendment filed by the Applicant on February 8, 2001, where claims 3, 4, 6, 8, 9 and 12 have been amended to depend on claims 1, 4, 4, 2, 1 and 1, respectively. A copy of the first two pages of the Preliminary Amendment filed on February 8, 2001 is enclosed with the present response, for the Examiner's ease of reference. The Applicant submits that the Examiner's objection was therefore moot ab initio.

### **Claim rejections**

In the Action, the Examiner rejects claims 1-8 and 10-12 under 35 USC § 103(a) as being unpatentable over Talati (U.S. Pat. No. 5,999,942) in view of Dunn (U.S. Pat. No. 6,560,648). Further, the Examiner states that claim 9 would be allowable if incorporated into claim 1.

The Applicant respectfully submits that Dunn is not a prior art document. Dunn's U.S. filing date is April 19, 1999, which filing date is later than the August 12, 1998 foreign priority date of the present application, as shown on the cover page of the PCT publication of the present application.

The Examiner cannot rely upon Dunn for rejecting any claims, if the Applicant's claimed priority date of August 12, 1998 is proper. The Applicant hereby perfects the foreign priority claim of the present application by enclosing a certified copy of Italian Application No. RM98A000542 showing a filing date of August 12, 1998 together with an English translation of Italian Application No. RM98A000542 . The English translation will assist the Examiner in understanding the scope of the disclosure of Italian Application No. RM98A000542 as it pertains to the present application.

As a consequence, the Applicant submits that the rejection of claims 1-8 and 10-12 based on Dunn is improper, since Dunn does not constitute proper prior art to the present application. However, in order to speed up prosecution, the Applicant has incorporated claim 9 into claim 1.

Therefore, the Applicant submits that amended claim 1 is allowable, as already indicated by the Examiner, together with claims 2-8 and 10-12 by virtue of their dependence on claim 1.

\* \* \*

Applicant submits that all claims of the application are in condition for allowance. Prompt issuance of a Notice of Allowance is earnestly solicited.

The Commissioner is authorized to charge any additional fees which may be required or credit overpayment to deposit account no. 12-0415. In particular, if this response is not timely filed, then the Commissioner is authorized to treat this response as including a petition to extend the time period pursuant to 37 CFR 1.136 (a) requesting an extension of time of the number of months necessary to make this response timely filed and the petition fee due in connection therewith may be charged to deposit account no. 12-0415.

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450 on

December 14, 2004

(Date of Deposit)

Susan Papp

(Name of Person Depositing)

Susan Papp

Signature

12/14/04

Date

Respectfully submitted,

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Enclosures:

- Petition for 3-month extension
- 3-month extension fee in the amount of \$ 510
- Copy of first two pages of preliminary amendment filed on February 8, 2001
- Certified copy of priority application
- English translation of priority application
- Postcard